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AMERICA IS SLOWLY AWAKENING TO THE STRUCTURAL
UNFAIRNESS IN OUR CRIMINAL JUSTICE SYSTEM

*By: Mary Kelly Tate**

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JUST MERCY: A STORY OF JUSTICE AND REDEMPTION. By *Bryan Stevenson*. New York, Spiegel & Grau. 2014. P. 336. \$16.00.

Bryan Stevenson's book, *Just Mercy: A Story of Justice and Redemption*, powerfully mixes a coming of age professional biography and a primer on America's tragic racial and class-based history with crime and punishment. Mr. Stevenson grew up poor in Delaware. At 16 years old, his grandfather was murdered. A boyhood suffused with the sharp edges of racial inequality is the prelude to Mr. Stevenson's progression from a questioning Harvard law student into one of the nation's leading civil rights attorneys. Mr. Stevenson founded the venerated non-profit Equal Justice Initiative (EJI) in 1989.¹ EJI vindicates the constitutional rights of racially and economically marginalized defendants.² Mr. Stevenson has won multiple landmark cases before the United States Supreme Court including *Miller v. Alabama*, which forbade mandatory life sentences for juveniles.³

At the center of the memoir's legal critique is Mr. Stevenson's less fortunate doppelganger, a black man named Walter McMillian, his life marked by forces that could have easily marred Mr. Stevenson's. The hometown prosecutor charged Mr. McMillian with capital murder and the state of Alabama sent him death row. He was an innocent man battered by Monroeville, Alabama's local law enforcement and the courts. Authorities ginned up the case against Mr. McMillian. They resolutely joined arms in ignoring widely-corroborated evidence that Mr. McMillian was with a large group of people at a fish fry for his church at the time of the murder. The poignant irony of such an alibi in light of the central role of the African American church to so many African American communities in the South is yet another narrative layer that leaves the reader with the impossible task of making sense of Mr. McMillian's tragedy.

After a long and complicated legal battle and a scathing report on the CBS News show "60 Minutes" about the case's irregularities, Mr. McMillian was ultimately exonerated through Stevenson's post-conviction litigation efforts in 1993 after spending six years on death row.⁴ Mr. Stevenson

¹ Bryan Stevenson, Equal Justice Initiative, <http://www.eji.org/BryanStevenson> (last visited Apr. 4, 2016).

² *About EJI*, EQUAL JUSTICE INITIATIVE, <http://www.eji.org/about> (last visited Apr. 4, 2016).

³ *Miller v. Alabama*, 132 S.Ct. 548 (2011).

⁴ *Walter McMillian*, EQUAL JUSTICE INITIATIVE, <http://www.eji.org/deathpenalty/innocence/mcmillian>; see also Peter Applebome, *Alabama Releases Man Held on Death Row for Six Years*, N.Y. TIMES, Mar. 3, 1993, at A1, B11, available at, <http://www.nytimes.com/1993/03/03/us/alabama-releases-man-held-on-death-row-for-six-years.html?pagewanted=all>.

asserts the credible theory that the criminal focus on Mr. McMillian was the outgrowth of social hostility aimed at Mr. McMillian for his romance with a white woman.

In addition to Mr. McMillian's story and other narrative vignettes taken from Mr. Stevenson's rich career, the book describes with painterly details the structural infirmities institutionally encoded in the criminal justice system: wrongful convictions, socioeconomic charging and outcome disparities, racial profiling, indigent defense funding, official misconduct, mass incarceration, and the legitimacy-strained death penalty. Mr. Stevenson calls his readers to face the difficult realization that the criminal justice system reflects the pervasive cultural and psychological ethos of white supremacy. As a cultural building block, he asserts that white supremacy was the cudgel White America used in a futile and brutal attempt to shield itself from the moral stain of its history of slavery and Jim Crow barbarism. By dehumanizing African Americans through the force of law and societal mores, White America has sought to dodge the shame that would attend a full reckoning of the marginalization that has defined the criminal justice system's relationship to African Americans.

In terms of the book's personal touch, Mr. Stevenson's voice as a memoirist is at once intimate and detached. For instance, he allows the reader into his heart when he describes his fear as a young lawyer accosted by a police officer while relaxing to music in his car outside his apartment after a long day, but he also maintains a zone of distance. We learn little about the details of his contemporary life outside his career and his social justice commitments. The distance is easy to imagine considering the psychic cost of pushing up against our democracy's entrenched racial betrayals.

At base, this beautiful book is a mournful, yet defiant bid for Americans to muster the moral will to confront our racially haunted criminal justice system. Mr. Stevenson deploys his lyrical command of language, his personal witness, and his brave democratic critique to expose how the American criminal justice system has broken faith with the citizens—of every race—it is called to serve.

